

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEROY J. FLEMING,

No. 08-10062

Plaintiff,

District Judge David M. Lawson

v.

Magistrate Judge R. Steven Whalen

WAYNE COUNTY SHERIFFS  
DEPARTMENT, ET.AL.,

Defendants.

/

**ORDER**

Plaintiff has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. §1983, naming as a Defendant the Wayne County Sheriffs Department. On May 20, 2008, the Court ordered Plaintiff to:

(1) show cause in writing, within 30 days of the date of this Order, why the undersigned Magistrate Judge should not recommend that the Defendant Wayne County Sheriffs Department should not be dismissed; **OR**

(2) Within 30 days of the date of this Order, file a motion requesting that the County of Wayne be substituted as the real party in interest. *See* Fed.R.Civ.P. 17(a)(3).

The Plaintiff timely filed a motion to substitute the County of Wayne as the real party in interest, in place of the Wayne County Sheriff's Department [**Docket #12**]. Defendants have no objection. Accordingly, said motion is GRANTED.

Plaintiff has also filed a motion to amend his complaint [**Docket #17**] and a motion to extend time to file exhibits in support of the complaint [**Docket #16**]. In their response [**Docket #18**], Defendants state that they do not object to either request.

Therefore, Plaintiff's motions [**Docket #17 and Docket #16**] are GRANTED.

Plaintiff shall file his amended complaint and exhibits no later than 21 days from the date

of this Order.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: February 25, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 25, 2009.

S/G. Wilson  
Judicial Assistant